

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANGELA HOGAN, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

No. 2:21-cv-00905-BJR

DEFENDANT AMAZON.COM,
INC.'S NOTICE OF PENDENCY OF
OTHER ACTION IN ANOTHER
JURISDICTION OR FORUM

Pursuant to Local Civil Rule 3(h), defendant Amazon.com, Inc. ("Amazon") identifies the following case pending in another jurisdiction or forum: *B.H. v. Amazon.com, Inc.*, No. 1:21-cv-03169 (N.D. Ill. Jun. 11, 2021) (the "*B.H.* case").

The *B.H.* case involves all or a material part of the same subject matter as this case. See L.R. 3(h). In this case, plaintiff Angela Hogan asserts claims against Amazon under Sections 15(a), (b), and (c) of the Illinois Biometric Information Privacy Act ("BIPA"). Hogan also asserts a claim for common-law unjust enrichment. Hogan's claims are based on Amazon's alleged collection, possession, and use of her Biometric Data in connection with her Amazon Photos account.¹ In the *B.H.* case, Hogan asserts the same claims, based on substantially similar

¹For the sake of brevity, Amazon uses the term "Biometric Data" to refer collectively to "biometric identifiers" and "biometric information," as those terms are defined by BIPA. See 740 ILCS § 14/10. By using that shorthand reference, Amazon does not concede or suggest that it collected, possessed, used, disclosed, or profited from any data governed by BIPA.

allegations, on behalf of B.H.—Hogan’s minor child. *Compare, e.g., Hogan v. Amazon.com, Inc.*, No. 2:21-cv-00905, Dkt. 1-2 (W.D. Wash.) (“*Hogan Complaint*”) with *B.H. v. Amazon.com, Inc.*, No. 1:21-cv-03169, Dkt. 1-1 (N.D. Ill.) (“*B.H. Complaint*”). Indeed, many of the paragraphs in the two complaints are identical. *Compare, e.g., Hogan Compl. ¶¶ 1-12 with B.H. Compl. ¶¶ 1-12.*

The parties are also substantially the same. *See* L.R. 3(h). Amazon is the sole defendant in both cases. Hogan is the named plaintiff in this case. Hogan is also the legal representative of the plaintiff in the *B.H.* case. And the putative classes in both cases are similar and overlapping. *Compare Hogan Compl. ¶ 76 with B.H. Compl. ¶ 78.*

Amazon respectfully submits that the similarity between the subject matter and the parties indicates that coordination between this case and the *B.H.* case could help avoid conflicts, conserve resources, and promote the efficient determination of both actions. Amazon does not believe that transfer should be effected pursuant to 28 U.S.C. § 1407.

Dated: July 9, 2021

By: /s/ Ryan Spear

Ryan Spear, WSBA No. 39974

Nicola C. Menaldo, WSBA No. 44459

Ellie Chapman, WSBA No. 55881

Perkins Coie LLP

1201 Third Avenue, Suite 4900

Seattle, Washington 98101-3099

Telephone: 206.359.8000

Facsimile: 206.359.9000

RSpear@perkinscoie.com

NMenaldo@perkinscoie.com

EChapman@perkinscoie.com

Attorneys for defendant

AMAZON.COM, INC

Attorneys for defendant

AMAZON.COM, INC.